

ASSEMBLY BILL

No. 720

Introduced by Assembly Member Matthews

February 19, 2003

An act to add Section 41814 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 720, as introduced, Matthews. Air pollution: clean burning fireplaces, heaters, stoves.

(1) Existing law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law designates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing federal regulations establish standards of performance for new residential wood heaters.

This bill would require the state board to participate, to the extent the state board determines necessary, in any consensus standard committee related to fireplace emissions that is maintained by the American Society for Testing Materials. The bill would require the state board, not later than January 1, 2006, to adopt regulations that establish clean-burning standards for clean-burning wood fireplaces, clean-burning wood heaters, and clean-burning wood stoves that are manufactured on or after January 1, 2008, and for clean-burning masonry heaters, as those terms are defined by the bill. The bill would also require the state board, by January 1, 2006, to provide a report to the Legislature on the requirements imposed upon the state board by the bill.

(2) Existing law requires any building standard or administrative regulations that apply directly to the implementation or enforcement of building standards be submitted to, and approved by, the State Building Standards Commission prior to codification. Existing law also provides for the establishment of a coordinating council within the office of the executive director of the commission, and requires the council to work with and assist state agencies in developing and drafting proposals for building standards in the state.

This bill would require the coordinating council, not later than January 1, 2006, to develop and present to the commission for adoption, a prohibition on the installation of any wood stove or wood heater that fails to meet the definition of a clean-burning wood stove or a clean-burning wood heater established in the federal regulations, or that burns only palletized fuel. The bill would provide that these regulations may not apply to clean-burning wood fireplaces.

(3) Existing law makes a violation of any rule, regulation, permit, or order of the state board a misdemeanor.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41814 is added to the Health and Safety
2 Code, to read:

3 41814. (a) The Legislature finds and declares all of the
4 following:

5 (1) Homeowner energy conservation and efficiency is integral
6 to ensuring reliability in California's electric and natural gas
7 system.

8 (2) A key component of homeowner energy conservation and
9 efficiency is the use of clean-burning gas fireplaces, clean-burning



1 wood heaters and wood stoves, and clean-burning wood fireplaces
2 as zone heating products.

3 (3) These clean-burning products are more efficient and less
4 wasteful than traditional gas or electric furnace heating, which
5 unnecessarily consume energy from the state's electrical grid to
6 heat entire houses.

7 (4) In order to ensure that these energy-efficient products are
8 clean-burning and in order to promote their use to save energy, it
9 is in the interest of the state to adopt statewide regulations
10 governing their usage.

11 (b) The state board shall do all of the following:

12 (1) Participate, to the extent the state board determines
13 necessary, in any consensus standard committee related to
14 fireplace emissions that is maintained by the American Society for
15 Testing Materials.

16 (2) Not later than January 1, 2006, the state board shall develop
17 and adopt regulations establishing clean-burning standards for all
18 of the following:

19 (A) Clean-burning wood fireplaces that are manufactured on or
20 after January 1, 2008.

21 (B) Clean-burning wood heaters and clean-burning wood
22 stoves that are manufactured on or after January 1, 2008. The
23 regulations adopted pursuant to this subparagraph shall be
24 consistent with any applicable standards or regulations on
25 clean-burning wood stoves adopted by the United States
26 Environmental Protection Agency.

27 (C) Clean-burning masonry heaters.

28 (3) Not later than January 1, 2006, provide a report to the
29 Legislature with respect to the requirements of this subdivision.

30 (c) (1) Not later than January 1, 2006, the Coordinating
31 Council of the State Building Standards Commission shall
32 develop and present to the State Building Standards Commission
33 for adoption, a prohibition on the installation of any wood stove
34 or wood heater that meets either of the following criteria:

35 (A) Fails to meet the definition of a clean-burning wood stove
36 or a clean-burning wood heater.

37 (B) Burns only palletized fuel.

38 (2) The regulations adopted pursuant to paragraph (1) may not
39 apply to clean-burning wood fireplaces.

(d) For the purposes of this section, the following terms have the following meanings:

(1) “Clean-burning wood heater” or “clean-burning wood stove” is a wood heater or wood stove that meet the standards established in Subpart AAA of Part 60 of Title 40 of the Code of Federal Regulations.

(2) “Clean-burning wood fireplace” is a wood-burning fireplace that satisfies clean-burning standards established by the state board pursuant to subparagraph (A) of paragraph (2) of subdivision (b). A clean-burning wood fireplace includes any wood-burning fireplace that has been designed to exclusively burn clean processed fuel, including, but not limited to, manufactured fire logs.

(3) “Masonry heater” is a clean wood burning masonry appliance, as defined in “E1602-01 Standard Guide for Construction of Solid Fuel Burning Masonry Heaters,” published by the American Society for Testing Materials, as that standard guide exists on January 1, 2004, that is consistent with those standards on a gram-per-kilogram of wood burned basis.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.